

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**TERRIEK A. VORNES, SR.
ADC #112874**

PLAINTIFF

v.

No. 3:19-cv-279-DPM

**RONNIE WILLIAMS, Detective, Osceola
Police Department, JOE WHITE,
Detective, Osceola Police Department,
BOBBY MARTINAZ, Patrol Officer,
Osceola Police Department, and OLLIE
COLLANS, Chief, Osceola Police
Department**

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, No 1, granted. The Court won't assess an initial partial filing fee because Vornes can't afford to pay one. But his custodian must collect monthly payments from Vornes's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Vornes's behalf must be clearly identified by case name and case number.

2. The Court directs the Clerk to send a copy of this Order to the Administrator of the Mississippi County Detention Center, 685 North County Road 599, Luxora, Arkansas 72358.

3. The Court must screen Vornes's complaint. *No 2*; 28 U.S.C. § 1915A. Vornes is awaiting trial for battery, among other things, in Mississippi County, Arkansas. He says that he was wrongfully charged—that he couldn't safely retreat when attacked and had to defend himself. *No 2*.

The Court must abstain from proceeding with Vornes's federal case because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Vornes may raise his constitutional claims during his state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971); *Mounkes v. Conklin*, 922 F. Supp. 1501, 1510-13 (D. Kansas 1996). Further, Vornes hasn't alleged bad faith, harassment, or any other extraordinary circumstances that would make abstention inappropriate. *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1254 (8th Cir. 2012). His claims must therefore be put on hold until there's a final disposition of his pending state charges. *Yamaha Motor Corporation, U.S.A. v. Stroud*, 179 F.3d 598, 603-04 (8th Cir. 1999).

* * *

The Court directs the Clerk to stay and administratively terminate this case. Vornes can move to reopen this case after final disposition of

his state case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If Vornes doesn't file a timely motion to reopen or a status report by 19 October 2020, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

21 October 2019